

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-131-W - ORDER NO. 1999-585
AUGUST 18, 1999

IN RE: Application of Sigfield Water Company, Inc.) ORDER ✓*NR*
for Approval of an Increase in its Rates and)
Charges for Water Service.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Compel filed in this Docket by the Consumer Advocate for the State of South Carolina (the Consumer Advocate). Sigfield Water Company, Inc. (Sigfield or the Company) has also filed a response to the Motion.

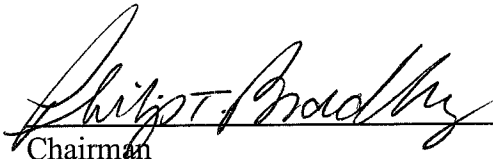
The Consumer Advocate states that Sigfield failed to answer interrogatories 2-6 through 2-17 of the interrogatories propounded by the Consumer Advocate to the Company, and that the answers are necessary to prepare the Consumer Advocate's case. Sigfield responded to these interrogatories by stating that it declined to answer each interrogatory because the Record is closed in the docket, except as to matters directly related to the Company's application for approval of the management agreement. Further, the Company states that, if the Commission grants the Consumer Advocate's Motion to Compel, it requests that the presently scheduled hearing be cancelled, and that Sigfield be allowed sufficient time to conduct "full and complete discovery prior to the rehearing in this matter." Sigfield further requests that if the Motion to Compel is granted, that it be allowed to name additional lay and expert witnesses.

Our Order No. 1999-484, which addressed the addition of the consideration of the management agreement to the rehearing in this matter, requested new or supplemental testimony only on the management agreement. Our intent in that Order was to keep the record limited to previously filed direct testimony on other issues in the case. Despite the generally acknowledged “broad scope of discovery” in South Carolina, we never intended to open up the bulk of the case to a new discovery period. We also note that our procedural rules do not generally allow for the issuance of interrogatories after a rehearing has been ordered by us. Our Regulation 103-851(B) states that written interrogatories shall not be served less than 10 days “prior to the date assigned for commencement of hearing.” We would note that the hearing has already been held in this matter. The regulation makes no mention of service of interrogatories prior to a rehearing. The regulation does not allow service of interrogatories otherwise unless it is “under special circumstances.” We hold that our addition of the consideration of the management agreement in this case constitutes the special circumstances necessary for the allowance of the issuance of interrogatories on the topic of the management agreement. We hold that no other issuance of interrogatories was appropriate in this case. We note that Sigfield properly answered the propounded interrogatories which addressed the management agreement.

Accordingly, the Motion to Compel of the Consumer Advocate is denied.

Sigfield's request and Motion are therefore moot. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)